

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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In re:	:	Case No. 16-22627-GLT
	:	Chapter 7
DONALD E. YAUGER and	:	
LAURA K. YAUGER,	:	
	:	
Debtors.	:	Related to Dkt. Nos. 36 and 48

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**ORDER TO SHOW CAUSE**

This matter initially came before the Court upon the *Motion to Convert to Chapter 7 of the Bankruptcy Code* [Dkt. No. 33] filed by the Debtors, Donald E. and Laura K. Yauger. On February 23, 2017, the Court issued its *Order Converting Case Under Chapter 13 to Case Under Chapter 7, Setting Deadlines, Scheduling Status Conference, and Terminating Wage Attachment* [Dkt. No. 36] (the “Conversion Order”). The *Conversion Order* required the Debtors to, among other things: (1) file all statements and schedules required by Bankruptcy Rules 1019 and 1007(b) (a “1019 Conversion Report”) by March 9, 2017; and (2) file a statement of intention with respect to the retention or surrender of estate property which secures a debt, as required by 11 U.S.C. § 521(a)(2) and Bankruptcy Rule 1019(1)(B), by March 25, 2017. The *Conversion Order* further provided that if the required documents were not timely filed, the Court would conduct a status conference on April 7, 2017.

The Debtors filed neither the *1019 Conversion Report* nor the statement of intention by the established deadlines. Accordingly, the Court held a status conference on April 7, 2017 to address the Debtors’ failure to file both documents. Neither the Debtors nor their counsel appeared at the April 7, 2017 status conference.

The Court issued an *Order to Show Cause* [Dkt. No. 48] against the Debtors to personally appear at a status conference on April 27, 2017 to show cause as to why the case should not be dismissed for the failure to comply with the Court’s *Conversion Order* and *Order to Show*

*Cause* and to attend the April 7 status conference. Once again, neither the Debtors nor their counsel appeared at the April 27 hearing. While the Debtors filed their *1019 Conversion Report* on April 11, 2017, the statement of intention remains unfiled as of the date of this *Order*.

Based on these events, the Court hereby issues an *Order to Show Cause* against Debtors' counsel, Jeffrey S. Golembiewski, Esq., requiring that he address his failure to appear at multiple Court hearings and to discuss whether the disgorgement of fees is necessary and appropriate in light of the Court's dismissal of the bankruptcy case. A separate *Order* dismissing the case without prejudice will be issued.

**AND NOW**, based upon the foregoing, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that:

1. An *Order to Show Cause* is issued against Jeffrey S. Golembiewski, Esq. to personally appear at a hearing before this Court on **May 25, 2017 at 11:00 a.m.** in Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219 to show cause as to why he should not be held in contempt of Court due to his failure to appear at the April 7 and April 23, 2017 status conferences in violation of multiple Court *Orders*. If Attorney Golembiewski is found in contempt, the Court will also consider whether sanctions are appropriate, including but not limited to the disgorgement of attorney's fees in this dismissed case.

2. Any response to this *Order to Show Cause* shall be filed with the Court on or before **May 18, 2017**.

Dated: April 28, 2017

Case administrator to mail to:  
Debtors  
Jeffrey S. Golembiewski, Esq.  
Robert H. Slone, Esq.  
Office of the U.S. Trustee

  
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GREGORY L. ADDONIO <sup>mt</sup>  
UNITED STATES BANKRUPTCY JUDGE

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Donald E. Yaeger  
Laura K. Yaeger  
Debtors

Case No. 16-22627-GLT  
Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: mgut  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 30, 2017.  
db/jdb +Donald E. Yaeger, Laura K. Yaeger, 27 Chaffee Street, Uniontown, PA 15401-4603

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 30, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 28, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com  
Jeffrey S. Golembiewski on behalf of Joint Debtor Laura K. Yaeger jgolembiewski@yahoo.com,  
denisegole@yahoo.com  
Jeffrey S. Golembiewski on behalf of Debtor Donald E. Yaeger jgolembiewski@yahoo.com,  
denisegole@yahoo.com  
Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC bkgroup@kmlawgroup.com  
Matthew Christian Waldt on behalf of Creditor Bank of America, N.A. mwaldt@milsteadlaw.com,  
bkecf@milsteadlaw.com  
Matthew John McClelland on behalf of Creditor Lakeview Loan Servicing, LLC  
bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Robert H. Slone, Trustee robertslone223@gmail.com, rslone@pulsenet.com;pa07@ecfcbis.com  
Robert H. Slone, Trustee on behalf of Trustee Robert H. Slone, Trustee robertslone223@gmail.com,  
rslone@pulsenet.com;pa07@ecfcbis.com

TOTAL: 9